## REMARKS

Reconsideration is respectfully requested. Claims 1-33 have been canceled without prejudice. Claims 35 and 39 have been amended. No new claims have been added. Claims 34-59 are now pending.

In the Office Action, claims 1-59 were rejected over U.S. Patent No. 6,072,489 to Gough et al. under 35 U.S.C. § 102(e). The Gough patent discloses a method and apparatus for providing translucent images on a computer display. A first application program produces a base image, and another application program (referred to as the "overlay program") produces a translucent image such that portions of the base image which are overlapped by the overlay image are at least partially visible through the transparent/overlay image. Gough also discloses conducting image operations either on the base image (with reference to the transparent image) or on the transparent image (with reference to the base image). A method is also disclosed for blending first video data and second video data to produce a blended image on the screen assembly.

Independent claim 34 is directed to "[a] computer-readable medium having stored thereon a data structure, the data structure comprising at least one field containing data indicative of a parameter designating an object as a layered object." With respect to claim 34, the Office Action states at page 5 that Gough[1] discloses a "computer-readable medium having stored thereon a data structure, the data structure comprising at least one field containing data indicative of a parameter designating an object as a layered object (see figures 3a-3i)." However, Gough does not disclose a data structure as claimed,

[1] The Office Action actually cites to the "Celi" patent. However, as established in the Applicants' previous response, Celi is not prior art. Moreover, Celi does not have figures 3a-3i. Thus, Applicants assume the rejection is based on Gough rather than Celi.

either in figures 3a-3i or elsewhere in its specification. More specifically, claim 34 requires that the data structure includes at least one field containing data indicative of a parameter designating an object as a layered object. The Office Action fails to identify any of the following claim limitations: a layered object, a parameter designating an object as a layered object, and data indicative of a parameter designating an object as a layered object. By contrast, the brief descriptions of Figs. 3a-3h acknowledge that they "illustrate[] an Apple Computer display screen." Similarly, the brief description of Fig. 3i acknowledges that it "illustrates the display screen of the prior figures." By merely referencing illustrations of display screens, the Office Action fails to identify any disclosure in Gough corresponding to the data structure recited in claim 34. Accordingly, claim 34 is patentable over Gough, and the pending rejection of claim 34 under § 102(e) should be withdrawn.

Independent claim 35 has been amended to more clearly distinguish over Gough. In particular, method claim 35 now recites in part: displaying a first window on the display, wherein the first window is a layered window attributed with at least one layering property. Support for this amendment is found in the Applicants' original specification, for example at page 17, lines 5-13. Gough does not teach or suggest "a layered window" as recited in claim 35, so claim 35 is patentable over Gough. Claims 36-42 depend either directly or indirectly from independent claim 35 and are thus patentable over the prior art for at least the same reason as claim 35. Therefore, the pending rejection of claims 35-42 under § 102(e) should be withdrawn.

Independent claim 43 is directed to a method of providing and selecting two or more objects on the display, the method requiring in part: "receiving a user

selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects; and processing the user selection as indicative of a selection of the underlying portion of the second object." The Office Action does not even attempt to identify any disclosure in Gough that corresponds to the "receiving" and "processing" limitations of claim 43. Instead, the Office Action at page 6 summarily disposes of claims 35-59 as having already been "analyzed as previously discussed with respect to claims 1-19 and 33-34 above." However, the "receiving" and "processing" limitations of claim 43 did not appear in claims 1-19 or 33-34. Consequently, the assertion in the Office Action that Gough anticipates claim 43 must fail because Gough does not disclose at least two limitations of the claim. Accordingly, claim 43 is patentable over Gough. Claims 44-49 depend either directly or indirectly from independent claim 43 and are thus patentable over the prior art for at least the same reason as claim 43. Therefore, the pending rejection of claims 43-49 under § 102(e) should be withdrawn.

Independent claim 50 recites a method of animating window objects on the display, including the limitations of "attributing the window object a variable translucency" and "varying the translucency of the window object to create an animation of the window object." The Office Action does not even attempt to identify any disclosure in Gough that corresponds to the "attributing" and "varying" limitations of claim 50. Instead, the Office Action at page 6 summarily disposes of claims 35-59 as having already been "analyzed as previously discussed with respect to claims 1-19 and 33-34 above." However, the "attributing" and "varying" limitations of claim 50 did not appear in claims 1-19 or 33-34. Consequently, the assertion in the Office Action that

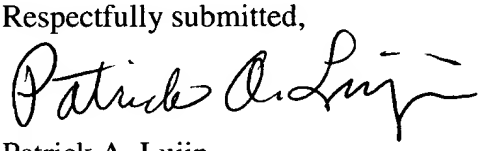
Gough anticipates claim 50 is not supportable because Gough does to disclose at least two limitations of the claim. Accordingly, claim 50 is patentable over Gough. Claims 51-59 depend either directly or indirectly from independent claim 50 and are thus patentable over the prior art for at least the same reason as claim 50. Therefore, the pending rejection of claims 50-59 under § 102(e) should be withdrawn.

## CONCLUSION

For the reasons stated above, pending claims 34-59 are patentable over the prior art of record.

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,



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